

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TIFFANY MIRANDA and
BENJAMIN MIRANDA,

Plaintiffs

Civil Action No.
04-11337-EFH

v.

A.C. MOORE ARTS & CRAFTS, INC.
Defendant.

JOINT PRE-TRIAL SCHEDULING STATEMENT

Pursuant to Fed.R.Civ.P. 16(b) and Local Rule 16.1, the parties hereby submit the following Joint Pre-trial Scheduling Statement.

1. Statement of Claim

This case arises out an alleged sexual assault that arose while the plaintiff, Tiffany Miranda, was employed by the defendant, A.C. Moore Art & Crafts, Inc. hereinafter "A.C. Moore". The plaintiffs allege that one of the defendant's employees sexually assaulted Mrs. Miranda while at work on the evening of June 15, 2001 at the defendant's retail store in Hyannis, Massachusetts. The plaintiffs assert ten counts against the defendant in their complaint including claims for violations of the Massachusetts' Civil Rights Act, Negligence, Intentional Tort and violations of Massachusetts General Laws Chapter 93A. Mrs. Miranda claims that as a result of the sexual assault, she sustained physical and emotional injuries along with medical expenses. Benjamin Miranda, Tiffany's husband, has brought a loss of consortium claim against the defendant. The plaintiff alleges that the basis of jurisdiction is diversity jurisdiction. The defendant contests liability and damages and has filed a motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(6).

2. Proposed Agenda for the Scheduling Conference

The parties have conferred regarding discovery and other pre-trial matters and Propose the following agenda for the scheduling conference:

- a. Discuss the defendant's Pending Motion to Dismiss
- b. Discuss Initial Disclosure by plaintiff and defendant
- c. Discuss Proposed Discovery Schedule
- d. Discuss Proposed Motion Schedule
- e. Discussion of Alternative Dispute Resolution
- f. Discussion Concerning Trial by a Magistrate Judge.

3. Joint Discovery Plan

The parties propose the following schedule for discovery:

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| A) | Answer to be filed by the defendant | 10 days after the Court rules on the defendant's Motion to Dismiss |
| B) | Initial Disclosure pursuant to Fed.R.Civ.P. 26(a)(1) by defendant | 30 Days after plaintiffs' initial disclosure |
| C) | Completion of all written discovery and depositions of fact witnesses | 6 months after the Court's ruling on the defendant's Motion to Dismiss |
| D) | Plaintiffs' Rule 26 Expert Disclosure | 30 days after the close of written Discovery |
| E) | Defendant's Rule 26 Expert Disclosure | 30 days after plaintiffs' disclosure |
| F) | Final Pre-trial conference | 60 days after defendant's expert Disclosure |

4. Proposed Motion Schedule

All dispositive motions, including those for summary judgment, will be filed and served within thirty (30) days after the close of written and deposition discovery. Any opposition to such motions will be filed within twenty-one (21) days after service of the motion; and any reply to such opposition will be filed within fourteen (14) days after service of the opposition.

5. Certification

The parties certifications required by Local Rule 16.1(D)(3) will be filed under separate cover before the Scheduling Conference.

PLAINTIFFS
BY THEIR ATTORNEY

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A.C. MOORE ARTS & CRAFTS, INC.
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